

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
ALBUQUERQUE DIVISION

BRANT GRIFFIN, a resident of Nevada;
RANDI MONDELLO, a resident of California,

Plaintiffs,

v.

ERLEND OLSON, a resident of New Mexico,

Defendant.

Case No. 24-914-DHU-KK

STIPULATION TO JOIN BRANT GRIFFIN IN HIS CAPACITY AS TRUSTEE

Pursuant to Federal Rule of Civil Procedure Rule 17, and Rule 20 Plaintiff Brant Griffin (“Griffin”) and Defendant Erland Olson (“Olson”), by and through their counsel of record or acting *pro se*, hereby stipulate and agree to the joinder of Brant J. Griffin in his capacity as Trustee of the Brant J. Griffin Living Trust Under Agreement September 26, 2012 (the “Griffin Trust”) as an additional plaintiff in this action on the following basis:

WHEREAS, on September 13, 2024 Griffin filed a Complaint based on investments he made in Theia Group, a company previously operated by Defendant Erland Olson. (Doc. 1.);

WHEREAS, in reviewing the documents supporting Griffin’s claims, Griffin discovered that two of the Secured Convertible Promissory Notes underlying his claims are held in the name of Griffin in his capacity as Trustee of the Brant J. Griffin Living Trust Under Agreement September 26, 2012 (the “Griffin Trust”) rather than in his individual capacity;

WHEREAS, Federal Rule of Civil Procedure, Rule 17 provides that a trustee of an express trust may sue in their own name without joining the person for whose benefit the action is brought. Fed. R. Civ. P. 17(a)(1); *see also*, NMRA, Rule 1-017 (“an executor, administrator, guardian, trustee of an express trust ... may sue in that person’s own name without joining the party for whose benefit the action is brought.”);

WHEREAS, Federal Rule of Civil Procedure, Rule 20 permit joinder of a party where all claims arise from the same transaction or occurrence and share at least one question of law or fact;

WHEREAS, all claims asserted by Griffin arise from the same transaction or occurrence and share at least one question of law or fact;

WHEREAS, Griffin wishes to clarify that he is bringing his claims both in his individual capacity and in his capacity as Trustee of the Griffin Trust;

WHEREAS, clarifying that Griffin is bringing his claims both in his individual capacity and in his capacity as Trustee of the Griffin Trust will not require any additional parties;

WHEREAS, clarifying that Griffin is bringing his claims both in his individual capacity and in his capacity as Trustee of the Griffin Trust will not prejudice any party; and

WHEREAS, clarifying that Griffin is bringing his claims both in his individual capacity and in his capacity as Trustee of the Griffin Trust will not delay the resolution of this action;

WHEREAS, adding Griffin in his capacity as Trustee of the Griffin Trust will not affect the claims or defenses of *pro se* Plaintiff Randi Mondello;

NOW THEREFORE, Griffin and Olson here by stipulate and agree as follows:

1. Brant Griffin as Trustee of the Brant J. Griffin Living Trust Under Agreement September 26, 2012 shall be joined as a Plaintiff in this matter *in addition to*, Brant Griffin in his individual capacity.

Dated: March 13, 2025

BUCHALTER, APC

By: /s/ Roger L. Scott
Roger L. Scott
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PROOF OF SERVICE

United States District Court of New Mexico – Albuquerque Division
Brant Griffin and Randi Mondello v. Erlend Olson, et al.

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is at BUCHALTER, a Professional Corporation, 18400 Von Karman Avenue, Suite 800, Irvine, CA 92612-0514. My e-mail address is lchapman@buchalter.com.

On the date set forth below, I served the foregoing document described as:

STIPULATION TO JOIN BRANT GRIFFIN IN HIS CAPACITY AS TRUSTEE

on all other parties and/or their attorney(s) of record to this action by:

☒ **BY ELECTRONIC SERVICE.** On **March 13, 2025**, I hereby certify that on this date, I electronically filed the foregoing using the Court's CM/ECF system which will send notification of such filing to the email addresses denoted on the Electronic Mail notice list.

<u>Counsel for Defendant Erlend Olson</u> Nick Sitterly 500 Marquette Blvd NW, Suite #1200 Albuquerque, NM 87102 P: (505) 314-1318 F: (866) 610-0455 Email: nick.sitterlylawfirm@gmail.com	*Randi Mondello 18921 Ocean Park Lane Huntington Beach, CA 92648 Email: randimondello@gmail.com
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☒ ***BY EMAIL** On **March 13, 2025**, I caused the above-referenced document(s) to be sent in electronic PDF format as an attachment to an email addressed to the person(s) on whom such document(s) is/are to be served at the email address(es) shown above, as last given by that person(s) or as obtained from an internet website(s) relating to such person(s), and I did not receive an email response upon sending such email indicating that such email was not delivered.

☒ ***BY MAIL** I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. The address(es) shown above is(are) the same as shown on the envelope. The envelope was placed for deposit in the United States Postal Service at Buchalter in Irvine, California on **March 13, 2025**. The envelope was sealed and placed for collection and mailing with first-class prepaid postage on this date following ordinary business practices.

☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed on March 13, 2025, at Irvine, California.

Loretta Chapman – lchapman@buchalter.com

/s/ Loretta Chapman
(Signature)